IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Jagdish Chandra vs. State of Rajasthan & Ors.
(S.B.C. Writ Petition No. 1976/03)

Date of Order :- 15th December, 2006

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Nitin Trivedi, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy.Government Advocate.

BY THE COURT :

The petitioner by this writ petition has prayed for writ of mandamus to the effect that the order dated 19th April, 2001 passed by Senior Staff Officer, Civil Defence and Homeguard, Headquarter, Rajasthan, Jaipur by which the candidature of the petitioner for appointment on the post of Platoon Commander was rejected be quashed and set aside and the respondents may be directed to consider his case for appointment on the aforesaid post pursuant to advertisement dated 27.11.1998.

According to the petitioner, the respondents by the aforesaid advertisement which was published in Danik Bhaskar dated 6.12.1998 invited applications for various posts including on

the post of Platoon Commander in the pay scale of Rs.5000-8000. He was issued admission letter for appearing in examination on 14.3.1999. The petitioner did appear in the written examination. He was then called for efficiency and physical test vide order dated 27th August, 1999 in which date of test and place of centre was also shown. It was thereafter he was called for interview on 4th October, 1999 and then was directed for medical test and thereafter police verification was also made. A report of the same was sent vide letter dated 2nd November, 1999. When nothing happened thereafter, the petitioner enquired from the respondents. The respondents gave an assurance that he would be informed. When still nothing happened, he submitted a representation vide letter dated 18th April, 2000 with the request that his result may be declared and a copy of the merit list should be supplied to him. He further made representation on 8.12.2001 in response to which the Senior Staff Officer conveyed to him vide letter dated 19th April, 2001 that he has not been selected according to merit and further that there was no provision for providing marks.

I have heard Mr. Nitin Trivedi, learned counsel for the petitioner and Mr. Rameshwar Dave, learned Dy.Government Advocate and perused the record.

Learned counsel for the petitioner argued that even though the petitioner qualified all the stages of examination process yet his appointment order was withheld. Rejection of his candidature has been made without any legal basis and he has been unduly denied of his legitimate right of appointment.

On the other hand, Mr. Rameshwar Dave, appearing for the respondents argued that merely because the petitioner was directed for medical test and police verification that does not mean that he has been selected. Such a course was adopted for all the candidates who were called for interview. List of selected candidates was published only after the interview and in that list the petitioner was not selected. The entire petition has been based on surmises and conjectures. It has therefore been prayed that the writ petition filed by the petitioner may be dismissed.

Having considered the arguments of the parties, I do not find any reason to dis-believe the version given by the respondents that all the candidates who qualified the written examination were subjected to medical test and police verification and thereafter they were called for interview. It was only on preparation of the merit list that the appointments were given to the

candidates. If according to the respondent, petitioner did not come within the merit list so as to secure appointment, his assertion in the counter affidavit cannot be dis-believed particularly, when no malice has been alleged against any person of the respondent department.

In the result, I do not find any merit in this writ petition. The same is hereby dismissed with no order as to costs.

(MOHAMMAD RAFIQ),J,.